

1 Magistrate Judge Tsuchida  
2  
3  
4  
5

FILED      ENTERED  
LODGED      RECEIVED

6  
7 SEP 30 2015      JMG  
8  
9

10 AT SEATTLE  
11 CLERK U.S. DISTRICT COURT  
12 WESTERN DISTRICT OF WASHINGTON  
13 BY DEPUTY  
14  
15

16 UNITED STATES DISTRICT COURT FOR THE  
17 WESTERN DISTRICT OF WASHINGTON  
18 AT SEATTLE  
19  
20

21 Re:

22 Digital Device Samsung s5 Cell Phone, HTC  
23 First Cell Phone, Droid Razr Cell Phone

24 NO. 2014-mj-00431-JPD

25 **GOVERNMENT'S  
MOTION TO UNSEAL SEARCH  
WARRANT RELATED MATERIALS  
AND PROPOSED ORDER**

26 The United States of America, by and through Annette L. Hayes, United States  
27 Attorney for the Western District of Washington, and Cecelia Gregson, Special Assistant  
28 United States Attorney for said District, requests entry of an order unsealing the search  
warrant, application, affidavit in support and accompanying return ("search warrant  
related materials") filed in the above captioned matter. The Court previously directed  
that the search warrant related materials be sealed at the government's request. The  
materials were to remain sealed until further order of the Court.

29 The law provides that search warrant related materials may remain under seal  
30 during the pendency of an investigation. *See United States v. Custer Battlefield Museum*,  
31 658 F.3d 1188, 1192-93 and 1196 (9th Cir. 2011). In addition, the government may seek  
32 an order continuing to maintain the materials under seal even after the return of an  
33 indictment or the closure of an investigation based on compelling reasons. *Id. at 1195*.

1 Those reasons can include the need to (1) protect the identity and safety of witnesses, (2)  
2 protect the integrity of other investigations, (3) avoid risk of flight, tampering with  
3 witnesses, or destruction of evidence, (4) protect a national security concern, (5) protect a  
4 matter occurring before the grand jury, (6) protect victims, or (7) protect the safety of the  
5 target of the investigation.

6 Upon review of the files in this matter, and with due consideration of the factors  
7 identified above, the government has determined there is no longer a compelling reason  
8 to maintain the materials under seal and respectfully requests entry of the attached order.

9 DATED this 30th day of September, 2015.

10  
11 Respectfully submitted,

12 ANNETTE L. HAYES  
13 United States Attorney

14  
15 s/Cecelia Gregson  
16 CECELIA GREGSON  
17 Special Assistant United States Attorney  
18 United States Attorney's Office  
19 700 Stewart Street, Suite 5220  
20 Seattle, WA 98101-1271  
21 Telephone: (206) 553-7970  
22 Fax: (206) 553-2502  
23  
24  
25  
26  
27  
28

## ORDER

Based upon the government's Motion, and the representations made therein, the Government's Motion to Unseal is GRANTED.

4 IT IS HEREBY ORDERED that the search warrant, application, affidavit in  
5 support and accompanying return previously filed under seal in the above-captioned  
6 matter shall be UNSEALED.

DATED this 1 day of OCT., 2015.

Maesliida

The Honorable Brian A. Tsuchida  
United States Magistrate Judge  
**MARY ALICE THEILER**  
**US MAGISTRATE JUDGE**